

**CRIMINAL NO. 1:05CR239**

## ORDER

Defendant objected to the Government's notice, contending that "various

persons or entities listed [in the Government's notice] as 'victims' [were] more appropriately categorized as 'unindicted co-conspirators,' and thus not entitled to restitution." **Defendant's Response to Court's Order Concerning Restitution, filed September 12, 2007, at 1.**

Title 18 U.S.C. § 3663 provides that "in no case shall a participant in an offense . . . be considered a victim of such offense," such that he or she could be a candidate for restitution. **18 U.S.C. § 3663(a)(1)(A).** The Government conceded in its response of August 28, 2007, that the two brothers who owned Triangle Textiles, Ltd., while not criminally culpable in this case, were nonetheless "aware that [Defendant] was reporting on USDA forms one price for cotton and that in actuality the true price was lower." **Government's Response to Court's Order Concerning Restitution, filed August 28, 2007, at 2–3.**

Based on the motions and responses filed in this case, the Court is of the opinion that Triangle Textiles, Ltd., is not a "victim" under 18 U.S.C. 3663.

**IT IS, THEREFORE, ORDERED** that the Clerk prepare an Amended Judgment deleting Triangle Textiles, Ltd., and the corresponding amount of \$407,153.20, from the amount of restitution owed by Defendant.

Signed: September 24, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

